ROBIN L. HOOTER
CLERK OF COURT ⚜ RAPIDES PARISH
P. O. Box 952, Alexandria, Louisiana 71309
Phone (318) 473-8153 Fax (318) 473-4667 Civil Fax (318) 619-5877
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CITATION NO. 258,250 E

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| TARRETTA MANNING | \|\| | NINTH JUDICAL DISTRICT COURT |
| VERSUS | \|\| | PARISH OF RAPIDES |
| CIRCLE K STORES INC ET AL | \|\| | STATE OF LOUISIANA |

TO: CIRCLE K STORES INC
THRU CORPORATION SERVICE CO 501 LOUISIANA AVE
BATON ROUGE LA 00000
EAST BATON ROUGE PARISH

YOU ARE HEREBY SUMMONED TO COMPLY WITH THE DEMAND CONTAINED IN THE PLEADING(S) FILED IN THE ABOVE ENTITLED AND NUMBERED CAUSE, A DULY CERTIFIED COPY IS ATTACHED AND TO BE SERVED, OR FILE YOUR ANSWER OR OTHER PLEADINGS IN THE OFFICE OF THE CLERK OF THE NINTH JUDICIAL DISTRICT COURT, RAPIDES PARISH, CITY OF ALEXANDRIA, WITHIN FIFTEEN(15) DAYS AFTER SERVICE HEREOF. YOU MAY FILE YOUR WRITTEN ANSWER OR PLEADING IN PERSON OR BY MAIL. IF YOU FILE BY MAIL, THE PLEADING MUST BE RECEIVED BY THE 15TH DAY. YOUR FAILURE TO COMPLY WILL SUBJECT YOU TO THE PENALTY OF ENTRY OF DEFAULT JUDGMENT AGAINST YOU.

WITNESS THE HONORABLES, THE JUDGES OF SAID COURT, AT ALEXANDRIA, LOUISIANA, THIS 7TH DAY OF MARCH, 2017.

THE FOLLOWING PLEADINGS ARE ATTACHED FOR SERVICE: PETITION.

ROBIN L. HOOTER
Clerk of Court

MATTHEW HEMMER
909 POYDRAS STREET20TH FLOOR
NEW ORLEANS LA 70112-0000
Filing Attorney

BY Karan Corley
Deputy Clerk of Court

SHERIFF STAMP BELOW
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**9TH JUDICIAL DISTRICT COURT FOR THE PARISH OF RAPIDES**

**STATE OF LOUISIANA**

**NO.** 258,250 **DIVISION "** E **"**

**TARRETTA MANNING**

**VERSUS**

**CIRCLE K STORES INC., AND TRAVELERS CONSTITUTION STATE INSURANCE COMPANY**

**FILED:**_____________________ _____________________

**DEPUTY CLERK**

**PETITION FOR DAMAGES**

NOW INTO COURT, through undersigned counsel, comes Petitioner, Taretta Manning, person of the full age of majority and a resident of the State of Louisiana, who, with respect, shows the Court as follows:

I.

That Circle K Stores Inc., made a party defendant herein, is a foreign corporation organized under the laws of Texas with its principal place of business in Temple, Arizona. That Travelers Constitution State Insurance Company, made a party defendant herein, is a foreign insurance company licensed to do, and doing, business in the State of Louisiana at all relevant times herein. That said Defendants are liable, jointly and in solido, to Petitioner for the following:

II.

At all times relevant herein, Circle K Stores, Inc., has owned and controlled immovable property at 730 MacArthur Drive in the city of Alexandria and Parish of Rapides (the "premises") where it operated a convenience store open to the general public called Circle K.

III.

That on or about May 5, 2016, Petitioner, Taretta Manning, was at the premises to conduct ordinary business therein.

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70130

IV.

Unbeknownst to Ms. Manning, however, as she stepped towards the cash register she encountered a pool of clear liquid that was on the floor, causing her to fall.

V.

The liquid on the floor constituted an unreasonably dangerous hazard because it presented a non-obvious slipping hazard in an area frequently used by Circle K patrons.

VI.

Defendant knew or should have known about the liquid on the floor. They further knew or should have known that customer and guests would regularly encounter this liquid as they walked in the store. The pool was in the immediate vicinity of locations where Circle K employees were stationed, was in an area that was regularly cleaned and inspected by Circle K staff, and existed on the premises for an unreasonable amount of time. Petitioner, however, was unlikely to discover the hazard prior to her injury because the liquid blended with the floor surface and there were insufficient warnings made by store employees.

VII.

That the aforesaid accident occurred through no fault of Petitioner, Tarretta Manning, but solely through the fault of the Defendant in breaching its duty to (1) keep the premise of its establishment safe and free from defects and hazards such as presented by the liquid on the floor, (2) warn patrons of wet floors, and (3) failing to use due care under the circumstances. As such, Defendant is liable to Petitioner pursuant to LSA-CC Arts. 2317 and 2317.1, as well as La. R.S. 9:2800.6, and other applicable law.

VIII.

That as a result of the aforesaid injuries, Petitioner, Tarretta Manning, has sustained injuries to her body and mind including, without limitation, injuries to her left knee together with past and future mental anguish and physical suffering; past and future loss of wages; past and future loss of enjoyment of life; past and future expenses for medical care; disfigurement; and permanent impairment, all of which entitles Plaintiff, Tarretta Manning, to recover from Defendant the damages as are reasonable in the premises.

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IX.

Petitioner shows that at all times mentioned hereinabove, there was in full force and effect a policy of insurance issued by Defendant, Travelers Constitution State Insurance Company, under the terms and conditions of which it agreed to insure and indemnify Defendant, Circle K Stores, Inc., from the type of liability asserted herein.

X.

Petitioner shows that this case involves damages in excess of $75,000, exclusive of interest and costs.

WHEREFORE, Petitioner, Taretta Manning, prays, that Defendants, Circle K Stores Inc., and Travelers Constitution State Insurance Company, be served with a certified copy of this petition, and after being duly cited to appear and answer hereto, and after the expiration of all legal delays and due proceedings are had, that there be judgment rendered herein in favor of Petitioner, Taretta Manning, and against Defendants, Circle K Stores, Inc., and Travelers Constitution State Insurance Company, for damages as are reasonable in the premises, said judgment to bear legal interest from the date of judicial demand until paid and for all costs of these proceedings.

**SERVICE INFORMATION ON THE FOLLOWING PAGE**

RESPECTFULLY SUBMITTED:
MORRIS BART, LLC
ATTORNEY FOR PLAINTIFF
601 POYDRAS STREET, 24TH FLOOR
NEW ORLEANS, LA 70130
TELEPHONE: (504) 525-8000
FACSIMILE: (800) 878-8937
E-MAIL: MHemmer@morrisbart.com

BY: ______________________
MATTHEW D. HEMMER, NO. LA34300
CONSTANCE COLLEY, NO. LA36416

FILED & RECORDED
ROBIN L. HOOTER
CLERK OF COURT

2017 MAR -3 PM 3:35

DY. CLERK & RECORDER
RAPIDES PARISH LA.

)RRIS BART, L.L.C.
ATTORNEYS AT LAW
AMERICAN LIFE CENTER
)1 POYDRAS STREET
24TH FLOOR
NEW ORLEANS, LA
70130

STATE OF LOUISIANA, PARISH OF RAPIDES
I HEREBY CERTIFY THAT THE ABOVE AND FOREGOING IS A TRUE AND CORRECT COPY OF THE ORIGINAL ON FILE AND OF RECORD IN THIS OFFICE.
IN FAITH, WHEREOF, WITNESS MY HAND AND SEAL OF OFFICE, AT ALEXANDRIA, LOUISIANA, THIS 7th DAY OF March A.D., 2017
ROBIN C. HOOTER
BY ______________
DY. CLERK OF COURT

**Please Serve:**

**Circle K Stores Inc.**
Through its registered agent:
Corporation Service Company
501 Louisiana Avenue
Baton Rouge, LA 70802

**Travelers Constitution State Insurance Company**
Through its registered agent:
Louisiana Secretary of State
8585 Archives Avenue
Baton Rouge, Louisiana 70809

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